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ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PETER A. HOCHSTEIN,
JEFFREY TENENBAUM, and
HAROLD W. MILTON, JR., individuals,

Plaintiffs,

vs.

MICROSOFT CORPORATION,
a Washington corporation, and
SONY COMPUTER ENTERTAINMENT AMERICA, INC., a Delaware corporation,

Defendants.

Case: 2:08-cv-10331
Judge: Borman, Paul D
Referral MJ: Whalen, R. Steven
Filed: 01-23-2008 At 12:17 PM
HOCHSTEIN V MICROSOFT CORP (LMW)

JURY TRIAL REQUESTED

MARK A. CANTOR (P32661)
THOMAS A. LEWRY (P36399)
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Attorneys for Plaintiffs

COMPLAINT FOR PATENT INFRINGEMENT AND JURY DEMAND

B|K

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Peter A. Hochstein, Jeffrey Tenenbaum and Harold W. Milton, Jr. ("Plaintiffs"), state as follows:

I. THE PARTIES

1. Plaintiff Peter A. Hochstein is an individual, having a residence located at 2966 River Valley Road, Troy, Michigan, 48098.

2. Plaintiff Jeffrey Tenenbaum is an individual, having a residence located at 6162 Wynford, West Bloomfield, Michigan, 48322.

3. Plaintiff Harold W. Milton, Jr. is an individual, having a residence located at 211 Townsend, Birmingham, Michigan, 48009.

4. Upon information and belief, defendant Microsoft Corporation ("Microsoft") is a Washington corporation having its headquarters at One Microsoft Way, Redmond, Washington, 98052.

5. Upon information and belief, defendant Sony Computer Entertainment America, Inc. ("SCEA") is a Delaware corporation having its headquarters at 919 East Hillsdale Boulevard, Foster City, California 94404.

II. JURISDICTION

6. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code.

7. The subject matter jurisdiction for this Court is founded upon 28 U.S.C. § 1338 (patents) and 28 U.S.C. § 1331 (federal question).

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8. Defendants Microsoft and SCEA ("Defendants") regularly and continuously engage in substantial sales and other business transactions in the Eastern District of Michigan, and have sold infringing products and/or committed infringing acts in this district. The United States District Court for the Eastern District of Michigan therefore has *in personam* jurisdiction over the Defendants.

III. BACKGROUND

9. On March 8, 1994, U.S. Patent No. 5,292,125 ("the '125 patent"), entitled "Apparatus and Method for Electronically Connecting Remotely Located Video Games" was duly and legally issued to inventors Peter A. Hochstein and Jeffrey Tenenbaum. (*See* Exhibit A, U.S. Patent No. 5,292,125.)

10. Per an Assignment dated July 17, 1998, Harold W. Milton, Jr. became an assignee of the '125.

11. Plaintiffs are the owners of right, title and interest in the '125 patent.

12. On August 11, 2004, Plaintiffs filed a lawsuit against Defendants for infringement of the '125 patent arising from the manufacture, use and sale of Microsoft's "Xbox" game console, SCEA's "Playstation2" game console, and compatible games (Civil Action No. 04-73071, "*Hochstein I*") . *Hochstein I* is currently scheduled for trial on August 11, 2008.

13. At the pretrial conference in *Hochstein I* held January 9, 2008, an issue was raised as to whether Defendants' new video game consoles (SCEA's "PlayStation 3" and Microsoft's "Xbox 360" and compatible games) should be adjudicated in *Hochstein I*.

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Hochstein has filed this complaint to adjudicate the infringement by those new products in this lawsuit, not in *Hochstein I*.

IV. PATENT INFRINGEMENT

14. Defendant Microsoft is infringing the '125 patent under 35 U.S.C. § 271 by making, using, offering for sale and selling Xbox 360 game consoles and compatible game software.

15. Defendant SCEA is infringing the '125 patent under 35 U.S.C. § 271 by making, using, offering for sale and selling PlayStation 3 game consoles and compatible game software.

16. Defendants have been willfully infringing the '125 patent at least since October 25, 2006 when the Court in *Hochstein I* construed the asserted claims of the '125 patent and denied Microsoft and SCEA's respective motions for summary judgment of non-infringement and invalidity (Doc. No. 241). The Court's October 25, 2006 ruling created an objectively high likelihood that Defendants' acts identified in paragraphs 14 and 15 constitute infringement of the valid '125 patent. The objectively high likelihood that Defendants' are infringing the valid '125 patent was known to the Defendants because the Court's October 25, 2006 ruling was served on Defendants' counsel of record in *Hochstein I*. Defendants' continued acts of infringement identified in paragraphs 14 and 15 are therefore objectively reckless and constitute willful infringement within the meaning of *In re Seagate Technology*, LLC, 487 F.3d 1360 (Fed. Cir. 2007).

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17. Plaintiffs have suffered damages as a result of the infringing activities of the Defendants, and will continue to suffer such damage as long as those infringing activities continue.

18. Plaintiffs have no adequate remedy at law. Unless enjoined by this Court, the Defendants will continue such acts of infringement causing Plaintiffs to incur substantial and irreparable damage.

V. DEMAND FOR RELIEF

Accordingly, Plaintiffs respectfully demand that this Court enter judgment:

A. Preliminarily and permanently enjoining and restraining Defendants, their officers, directors, employees, agents, servants, successors and assigns, and any and all persons acting in privity or in concert with the Defendants, from further infringement of the '125 patent;

B. Awarding Plaintiffs their damages, together with prejudgment interest and costs, and increasing those damages to three times the amount found or assessed as provided by 35 U.S.C. § 284;

C. Declaring this an exceptional case within the meaning of 35 U.S.C. § 285, and awarding Plaintiffs their reasonable attorney's fees and costs and disbursements in this action; and

D. Granting to Plaintiffs such other and further relief as this Court deems reasonable.

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VI. DEMAND FOR JURY TRIAL

Plaintiffs respectfully demand a trial by jury of any and all issues triable of right by a jury in the above-captioned action.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By: /s/ John S. LeRoy

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Dated: January 23, 2008

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A

US005292125A

United States Patent [19]

Hochstein et al.

[11] **Patent Number: 5,292,125**

[45] **Date of Patent: Mar. 8, 1994**

[54] **APPARATUS AND METHOD FOR ELECTRICALLY CONNECTING REMOTELY LOCATED VIDEO GAMES**

[76] Inventors: **Peter A. Hochstein**, 2966 River Valley Dr., Troy, Mich. 48098; **Jeffrey Tenenbaum**, 6162 Wynford, West Bloomfield, Mich. 48322

[21] Appl. No.: **708,682**

[22] Filed: **May 31, 1991**

[51] **Int. Cl.**[5] **A63F 9/22**

[52] **U.S. Cl.** .... **273/148 B**; 273/438; 273/DIG. 28; 364/410

[58] **Field of Search** .... 273/85 G, 148 B, 434, 273/435, 436, 437, 438, DIG. 28; 314/411

[56] **References Cited**

U.S. PATENT DOCUMENTS

3,921,161 11/1975 Baer .
4,126,851 11/1978 Okor .
4,797,750 1/1989 Karweit .
4,939,767 7/1990 Saito et al. .
5,098,110 3/1992 Yang 273/438

Primary Examiner—William H. Grieb
Attorney, Agent, or Firm—Reising, Ethington, Barnard, Perry & Milton

[57] **ABSTRACT**

A video game communicator (**100**) is electrically connected between the ports (A, B) of a local video game (**12**) and one set of player controls (**20**) of the local video game (**12**). The video game communicator (**100**) receives command signals from the player controls (**20**) and sends them to the local video game (**12**). The video game communicator (**100**) also converts the command signals into communication signals to be sent over telephone lines to be received by another video game communicator (**100**) connected to a remote video game (**30**). A transit time circuit (**126**) delays all command signals coming from the player controls (**20**) to the local video game (**12**) an amount of time it determines to be the time needed for the command signals to be sent to the remote video game (**30**). The video game communicator (**100**) receives communication signals over the telephone lines (**110**) and converts these signals into command signals representing the command signals of the remotely located competitor. A voice over data circuit (**134**) allows both communications signals and voice signals to be sent over the telephone lines at the same time. An operator circuit (**140**) allows either player to send operation signals, i.e., pause, start, stop, to each video game regardless of location of the player.

45 Claims, 3 Drawing Sheets

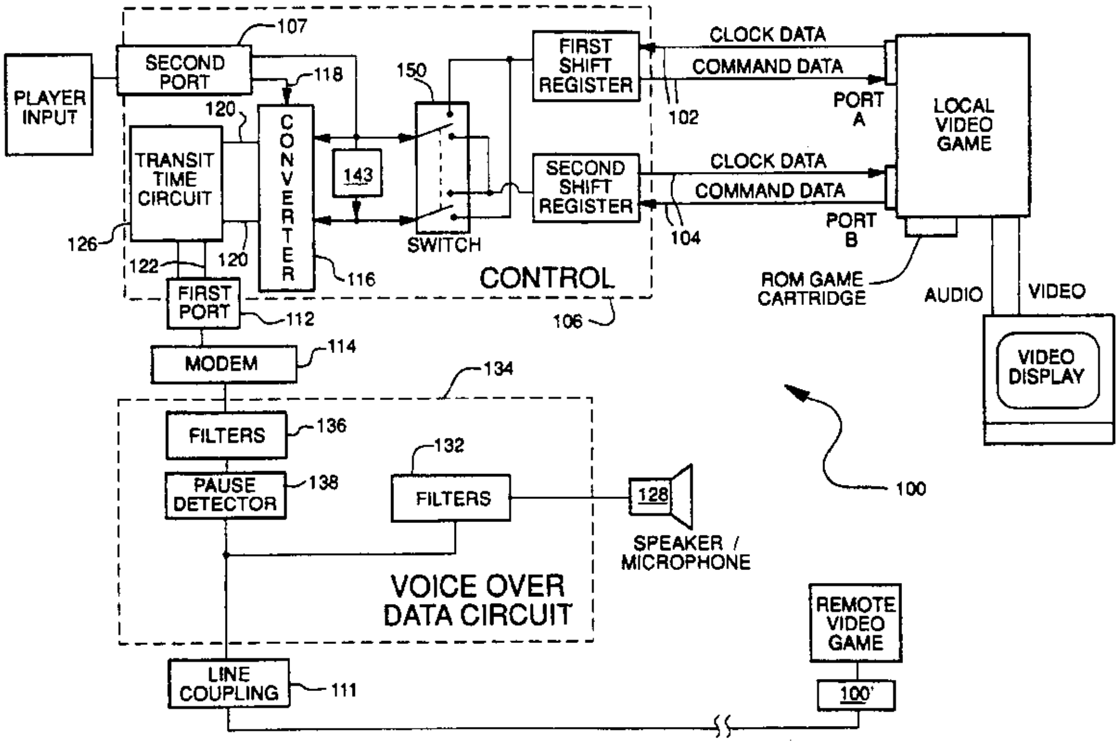
107
SECOND PORT
PLAYER INPUT
118
150
FIRST SHIFT REGISTER
CLOCK DATA
COMMAND DATA
120
TRANSIT TIME CIRCUIT
CONVERTER
143
102
PORT A
LOCAL VIDEO GAME
SECOND SHIFT REGISTER
CLOCK DATA
COMMAND DATA
126
122
120
SWITCH
104
PORT B
116
CONTROL
FIRST PORT
112
106
ROM GAME CARTRIDGE
AUDIO
VIDEO
MODEM
114
134
VIDEO DISPLAY
FILTERS
136
132
PAUSE DETECTOR
138
FILTERS
128
SPEAKER / MICROPHONE
100
VOICE OVER DATA CIRCUIT
REMOTE VIDEO GAME
LINE COUPLING
111
100'

EXHIBIT A

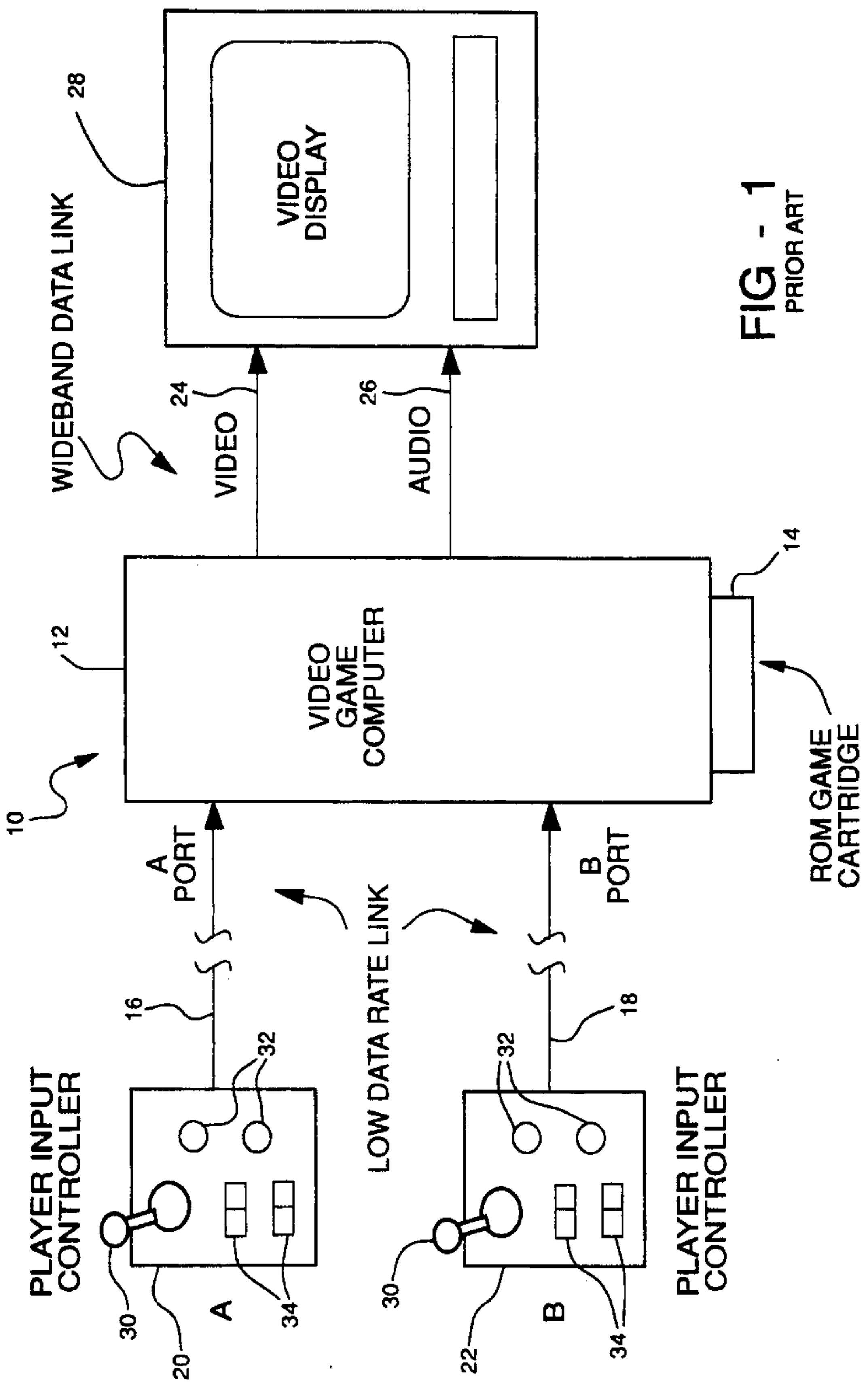
WIDEBAND DATA LINK
28
VIDEO DISPLAY
24
VIDEO
26
AUDIO
12
VIDEO GAME COMPUTER
14
ROM GAME CARTRIDGE
10
A PORT
B PORT
LOW DATA RATE LINK
16
18
PLAYER INPUT CONTROLLER
A
32
30
20
34
PLAYER INPUT CONTROLLER
B
32
30
22
34

FIG - 1
PRIOR ART

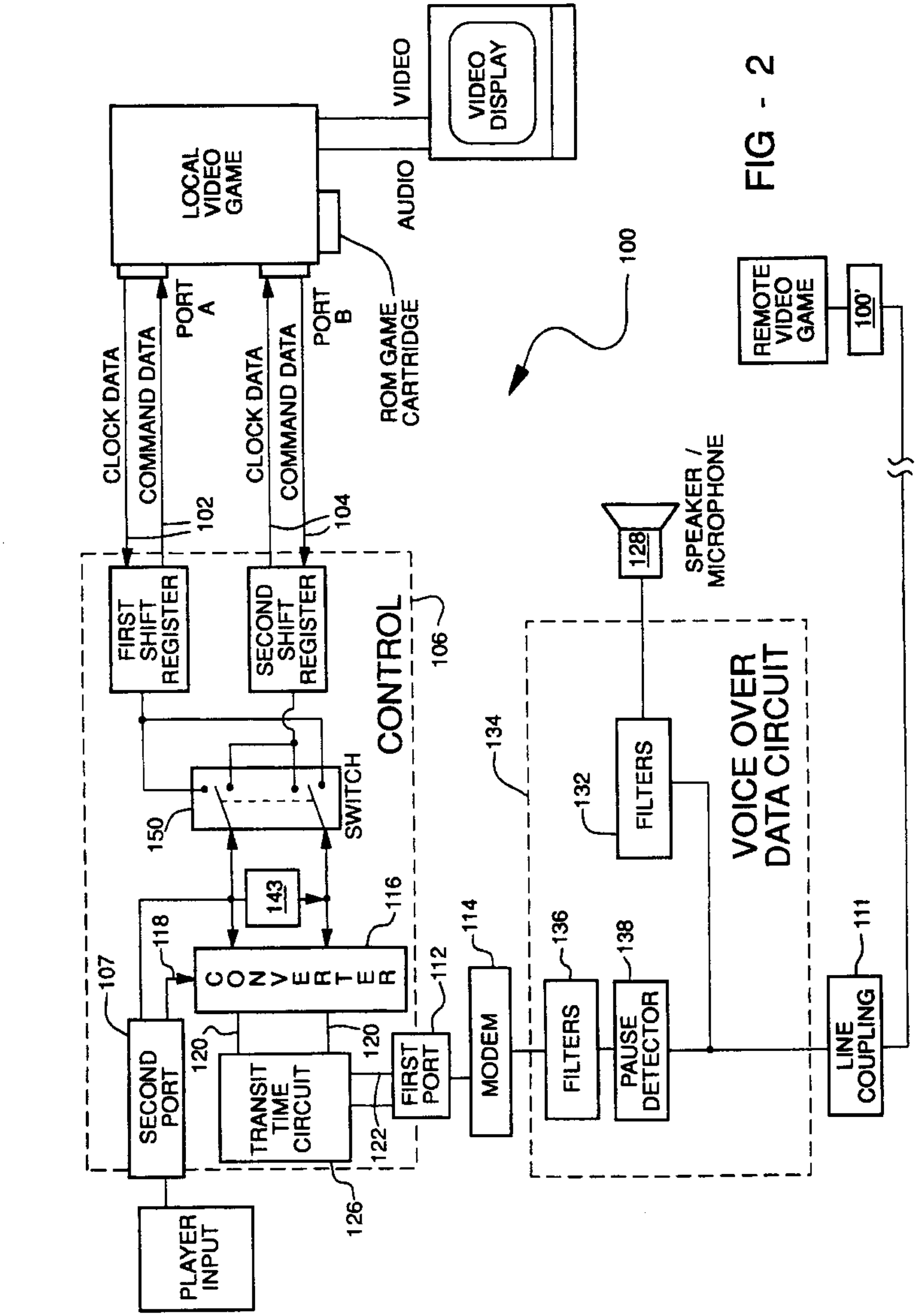
LOCAL VIDEO GAME
VIDEO
AUDIO
VIDEO DISPLAY
ROM GAME CARTRIDGE
PORT A
PORT B
CLOCK DATA
COMMAND DATA
CLOCK DATA
COMMAND DATA
102
104
100
FIRST SHIFT REGISTER
SECOND SHIFT REGISTER
CONTROL
106
SWITCH
150
143
116
118
107
CONVERTER
120
120
SECOND PORT
TRANSIT TIME CIRCUIT
122
126
FIRST PORT
112
MODEM
114
PLAYER INPUT
FILTERS
136
PAUSE DETECTOR
138
FILTERS
132
134
VOICE OVER DATA CIRCUIT
128
SPEAKER / MICROPHONE
LINE COUPLING
111
REMOTE VIDEO GAME
100'

FIG - 2

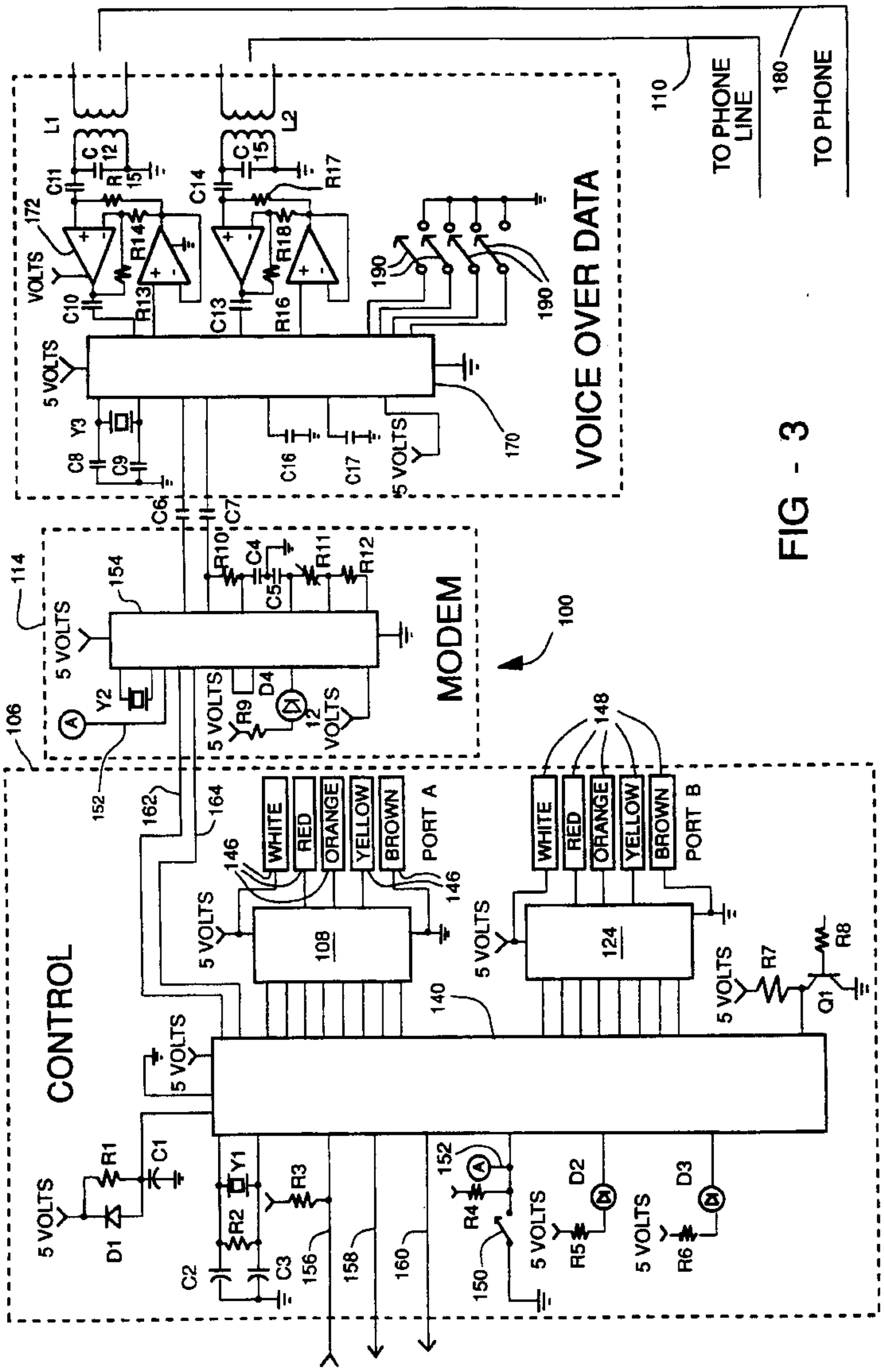
CONTROL
MODEM
VOICE OVER DATA
TO PHONE LINE
TO PHONE
PORT A
PORT B
WHITE
RED
ORANGE
YELLOW
BROWN
5 VOLTS

FIG - 3

APPARATUS AND METHOD FOR ELECTRICALLY CONNECTING REMOTELY LOCATED VIDEO GAMES

BACKGROUND OF THE INVENTION

1. Field of the Invention

This invention relates to game applications of a computer. More particularly, the subject invention relates to the coordination of a computer game from more than one location.

2. Description of the Related Art

The computer games which are commonly referred to as video games are games run by dedicated computers, i.e., computers hardwired for a specific purpose, using a video screen for a visual output. These video games are prevalent in the home environment because they can be connected to the television allowing children to play these games in the safety of the home.

A problem with the modern video games is that virtually all video games are designed to be played locally. In other words, the game software, game hardware, video modulator and video screen are all connected locally via cables. Player controls which relay player commands to the game are normally connected by means of removable cables. Therefore, in order for a player to compete with someone other than the computer, that person must leave the home or have someone come into the game-owner's home. This is a problem particularly for children who must rely on adults for transportation. In addition, it is a redundancy of parts because between the two players, assuming each owns the game, one game will always be dormant during the competition.

An example of such a system is disclosed in U.S. Pat. No. 3,921,161 to Baer, issued on Nov. 18, 1975. This invention details a game system connected to a television having two player ports and alternative input devices. The players, however, are limited in distance from the game due to the length of the cables connecting the controls to the game and the players' visibility of the television.

U.S. Pat. No. 4,126,851 to Okor, issued Nov. 21, 1978, shows an improvement to the video game wherein the type of game and the level at which it is to be played is programmable. Again, the video game limits the locality of the players to the immediate proximity of the television.

Although not a video game, a method and apparatus of transmitting and recording computer-generated displays is disclosed in U.S. Pat. No. 4,797,750 to Karweit, issued Jan. 10, 1989. The computer-generated image and audio signals are sent to a computer display. The same line of transmission is split wherein the same transmission is sent to an RS 232 communications line. The RS 232 communications line readies the transmission to be sent to a modem which, in turn, converts the transmission into audio tones to be transported over such medium as telephone lines to be received by such devices as other computers or a video camera recorder (VCR). This system, however, lacks the ability to coordinate the transmission of an image along with a command signal input by a player. In other words, the subject invention of this patent can only convert and transmit data and is incapable of transmitting command signals in a manner which will make sense to another

player receiving the transmission when these signals are incorporated into the signals generated by the receiver.

Again, not being a video game but a representation of the transmission of pictorial data, U.S. Pat. No. 4,939,767 to Saito et al, issued on Jul. 3, 1990, discloses an improved method and apparatus, typically referred to as a FAX machine, for sending images over telephone lines. This system forms non-signal states wherein data signals follow immediately thereafter. This system does disclose any ability to coordinate different types of data, i.e., command, visual and audio signals. It merely converts images into a data signal and sends the data signal over the telephone line to be received by a visual telephone or FAX machine.

SUMMARY OF THE INVENTION AND ADVANTAGES

A video game communication assembly for communicating command signals between a local video game and at least one remote video game is disclosed. The local video game includes at least two player ports, at least one set of player controls, and at least two operating modes. The video game communication assembly communicates command signals in a medium capable of transmitting a plurality of data signals and voice signals. The assembly comprises control means for controlling command signals received from the local video game and for creating communication signals therefrom. The assembly further comprises communicating means for bilaterally transmitting the communication signals between the control means and at least one remote video game. First port means bilaterally transmits the communications signals between the control means and the communication means. The assembly is characterized by the control means including transit time means for determining the amount of time required for the communication signals to travel between the first port and at least on of the remote video games.

The advantage of the subject invention is the ability for two or more players playing the same video game to compete with each other without using the same physical video game which alleviates the necessity of proximity of the players.

BRIEF DESCRIPTION OF THE DRAWINGS

Other advantages of the present invention will be readily appreciated as the same becomes better understood by reference to the following detailed description when considered in connection with the accompanying drawings wherein:

FIG. 1 is a block diagram of the prior art video game configuration;

FIG. 2 is a block diagram of the preferred embodiment of the subject invention; and

FIG. 3 is a schematic diagram of the circuitry of the preferred embodiment of the subject invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Turning to FIG. **1**, a block diagram of the current configuration of video games is generally shown at **10**. The video game **10** includes a video game computer **12**, a video game cartridge port (not shown) for receiving a video game cartridge **14**, at least two player ports **16**, **18**, at least one set (two shown) of player input controls **20**, **22**, and cables **24**, **26**. Although the number of player input controls and player ports are limited only by the design of the video game system and computer **12**, only two of the player input controls and ports are shown for simplicity.

The video game cartridge 14 contains read only memory (ROM) for a particular game. Each game is provided in cartridge form so the consumer may purchase a single set of hardware once and then may purchase any number of games as desired. When a particular game is needed, the video game cartridge 14 is inserted into the video game port and the game is initialized and commenced.

The cables 24, 26 are connected between the video game computer 12 and a video display 28, typically a television. The cables 24, 26 are the medium through which video and audio signals pass, respectively.

The player input controls 20, 22 contain various devices to input commands into the video game computer 12. Such devices include joysticks 30, knobs 32, and switches 34. Each player input control 20, 22 is connected to the video game computer 12 via low data rate linkages 16, 18. Typically, two player ports A, B are available so two players may compete against each other. Herein lies the disadvantage of requiring both players to be present to compete which renders one of the games dormant during the competition.

As may be best seen in FIG. 2, the subject invention is generally shown at 100 in block form. The video display 28 is still audibly and visually connected to the video game computer 12 via the wideband data linkages 24, 26, respectively. The video game cartridges 14 may still be varied depending on the player's desire.

The player input controls 20, 22 are not, however, directly connected to the video game computer 12. One of the player input controls 20 is connected to the video game communication assembly 100 and the second player input control 22 is not used because the competitor will not be playing locally but in the comfort of his or her own home. The video game communication assembly 100 includes a plurality of connections 102, 104, two shown in FIG. 2 to continue with the example, each being connected to the video game ports A, B. Clock data is sent over one of the plurality of connections 102, 104 to coordinate the commands of the video game computer 12 with the receipt and transmission of command signals.

The video game computer 12 will hereinafter be referred to as the local video game 12 because the subject invention 100 is physically connected thereto, whereas the other video game computers used by players not located near the local video game computer will be referred to as the remote video game 30.

The video game communication assembly 100 includes control means 106 for controlling command signals received from second port means 107, which is electrically connected to one player input control 20, and for creating communication signals therefrom. When control means 106 receives the command signals from the player input controls 20 through the second port 107, the second port 107 sends the command signals to either the first 108 or second 124 shift registers and to converting means 116 which converts the command signals into communication signals. The second port 107 sends the preserved command signals directly to the local video game 12 in the same format in which it is received so the local video game 12 will not have to be altered electronically. In fact, the local video game 12 will not be able to detect a difference in inputs rendering the video game communications assembly 100 invisible to it.

The converting means 116 converts the command signals to communication signals to be sent over the communications medium to be eventually received by another video game communications assembly 100 used by the competitor. The transformation of the command signals before they are transmitted enhances the performance of the subject invention 100 because the command signals are transformed into communication signals which the intended transmitting medium is designed to carry. In the preferred embodiment, the transmitting medium is the telephone system 110, represented in the Figures as a telephone line 110. It should be obvious to those skilled in the art that any medium of transmission, i.e., radio waves, would be suitable for the subject invention 100 but there is a reduction in cost due to the elimination of a set of transmitters and receivers by using the telephone system 110. Telephone line couplings and protection networks 111 are used to connect the subject invention 100 to the telephone lines 110 and protect the subject invention 100 from any power surges that may occur over the telephone lines 110.

It should be noted that the actual coding of the command signals into communication signals is not part of the subject invention 100. The coding and decoding of the signals will be dependent upon the type of local video game 12 to which the subject invention 100 is connected. In the same vein, the actual connections of the subject invention 100 to the player input controls 20 and the input ports A, B will vary depending on the type of game used.

The video game communication assembly 100 further includes modem means 114 for bilaterally transmitting the communication signals between the control means 106 and at least one remote video game 30. In the preferred embodiment, the modem means 114 is a modem well known in the art of data transmission over telephone lines. The modem means 114 may, however, be any modulator/demodulator designed for any transmission system used.

The modem means 114 receives signals from the converting means 116 through first port means 112. The first port means 112 bilaterally transmits the communication signals between the control means 106 and the modem means 114. The first port means 112 also bilaterally transmits communication signals between the modem means 114 and second shift register 124, discussed subsequently.

The converting means 116 is used for converting the command signals received by the second port 107 into communication signals in serial data form and for converting the communication signals received by the modem means 114 into parallel data form to be used by the local video game 12. The converting means 116 is a full duplex universal synchronous receiver-transmitter (UART). The UART 116 converts the parallel data received through lines 118 from the second port means 107 and transforms the data into serial form and transmitted through lines 120 to the modem 114. The UART 116 also receives the communication signals from the modem 114 in serial form through line 122 wherein this data is transformed into parallel form and is sent to second shift register means 124. As will be seen when viewing FIG. 3, the converting means 116 is a part of a microprocessor 140.

The second shift register 124 receives the communication signals transmitted by the converting means 116 and transforms the communication signals into command signals. These command signals are subsequently transmitted over connections **104** into port B of the local video game **12**. The communication signals which are received by the modem means **114** are from the subject invention **100'** of the competitor. In other words, port B of the local video game **12** will receive signals in the same format as the if the second player input control **22** was sending the command signals when, in fact, the command signals are being sent to port B through two video game communication assemblies **100**, **100'**, one **100'** located at the remote video game **30** transmitting communication signals and one **100** physically connected to the local video game **12** receiving the communication signals and transforming those communication signals into command signals.

The video game communication assembly **100** is characterized by the control means **106** including transit time means **126** for determining the amount of time required for the communication signals to travel between the first port means **109** and the remote video game **30**. The transit time means **126** establishes the delay time introduced by adding the additional circuitry, including the telephone system, to the local video game **12**. In a substantial number of video games, the timing of the players' inputs is imperative to the proper functioning of the game.

The transit time means **126** sends out a simple identifying signal to the communicating means **112**. This identifying signal is sent all the way to the control means **106** of the remote video game **30**. The identifying signal is then sent back to the control means **106** connected to the local video game **12**. The control means **106** then divides the elapsed time in half to determine how much time it takes for the communication signals to travel between the two video games. The identifying signal can be of any set frequency and pulse width so long as it does not interfere, i.e., have the same frequency, with the communication signal or voice signals (the voice signals will be discussed subsequently).

In order to enhance the competitive atmosphere of the event, the video game communication assembly **100** includes microphone means **128** for transforming acoustical vibrations created by the player using the local video game **12** into voice signals. In addition, the subject invention **100** further includes speaker means **128** for transforming voice signals received from player playing the remote video game **30** via the modem means **114** into acoustical vibrations. Although not necessary, the subject invention **100** has incorporated the microphone means and the speaker means into one, hereinafter referred to as the speaker/microphone means **128**. The speaker/microphone means **128** allow the players to communicate between each other to aid in creating a more competitive atmosphere. The second filter means **132** is directly connected to the telephone lines **110** and filters out all communications signals and allows only voice signals to pass therethrough. As may be seen in FIG. **2**, the speaker/microphone circuit **128**, **130**, **132** is bilateral or bidirectional in nature. The single circuit **128**, **130**, **132** handles vocal communications in both directions.

The subject invention **100** further includes voice over data means **134** for simultaneously receiving voice signals and the communication signals from the telephone line **110** and for transmitting the communication signals to the modem means **114**. Since the communication signals fall within the voice bandwidth of signals carried over telephone lines, the continuous carrier tone imposed on the telephone line by the modem **114** is more than a moderate annoyance to the listener and player speech could easily scramble the communication signals. The voice over data means **134** permits simultaneous use of one voice grade telephone line for both the voice signals and the communication signals (data signals) by using first filter means **136**, in conjunction with the second filter means **132** discussed above to filter out the communication signals. The first filtering means **136** include narrow band notch filters to filter the communication signals from the voice signals. The narrow band notch filters **136** correspond to the frequency standards of the Bell **103** system. In the Bell **103** system, four frequencies are used, two for sending information and two for receiving information. The two frequencies used for sending or originating information are 980 Hz, representing a mark or "1", and 1180 Hz representing a space or "0". The two frequencies used for receiving or answering information are 1650 Hz, representing a mark or "1", and 1850 Hz, representing a space or "0". The originating frequencies differ from the answering frequencies so communications can be transmitted in both directions at the same time. In other words, the voice over data means **134** is full duplex.

The end result of the first filter means **136** in conjunction with the second filter means **132** is that the voice signals do not have any communication signals interfering therewith an communication signals that have not been scrambled by the voice signals.

The control means **106** further includes pause means **138** for automatically pausing the transmission of both the command signals and the communication signals upon receipt of a pause signal. The pause means **138** allows the game currently being played to be interrupted so the telephone lines **110** may be used for communication purposes other than the ongoing video game communication. The pause means **138** can be used only where "Call Waiting" has been subscribed. The pause means **138** detects the incoming signal representing another call is being attempted. This "Call Waiting" signal is a standard tone burst signal superimposed over other transmissions, usually voice signals, and once it is recognized, the pause means **138** sends a pause signal to the control means **106** and the control means **106** immediately sends a pause signal to the local video game **12** and pauses or freezes all command, communication, and voice signals. The control means **106** also sends a pause signal to the remote video game **30** communications assembly so it too will pause until the termination of the call.

Continuing with the concept of pausing the game prior to completion, it should be noted that an additional problem exists due to the fact that at least one of the players is no longer in the proximity of the other: namely, only port A has the controls to pause, stop or select a game. The player using the remotely located video game has no control over these operation functions. Therefore, the first control means **106** includes operating means **142** for transmitting any operation signals received from the remote video game **30** to the first shift register means **106** so the operation signals may be received by the port A and the game can proceed as directed by either player independent of the player's location.

Turning our attention to FIG. **3**, the video game communications assembly **100** is shown in circuit form. By way of example, the control means **106** includes a MC68HC85C3 microprocessor **140** manufactured by Motorola Corporation. Two eight bit shift registers **108**, 124, part number CD4021, are connected to the microprocessor 140 and each are connected to each of ports A and B, respectively. The five colored prongs 146, 148 are inserted into the two ports A and B. The circuit 100 is powered on 5 Volt and 12 Volt levels. A diode D1 and a resistor R1 are connected in parallel between 5 Volts and the reset pin of the microprocessor 140. A capacitor C1 is connected between ground and both the diode D1 and the resistor R1. An oscillator Y1 is connected in parallel between two pins of the microprocessor 140 and a resistor R2. Two capacitors C2, C3 are each connected between one side of the resistor R2 and ground. This subcircuit establishes a oscillation frequency of approximately 3.6 MHz.

A resistor R4 is connected between 5 Volts, a switch 150 and a line 152 to a microprocessor chip 154, which is a dedicated modem 154, in the modem 114. The switch 150 is also connected to ground. The switch 150 determines whether the player using this video game communication assembly 100 is going to be player #1 or player #2. If the switch 150 is open, as is shown in FIG. 3, the player is player #1; and if the switch 150 is closed, the player is player #2. The player numbers are used to correlate how the video game communication assembly 100 will send the signals to their respective video games. For instance, if the player using the local video game 12 is player #1, his input will be sent to port A of the local video game computer 12. If, however, it is determined that the player using the local video game 12 is to be player #2, his command signals will be sent to the port B of the local video game 12.

The switch 150 is also connected, via line 152, to the modem 112, as is indicated by the letter A. The switch 150 must also signal the modem 112 as to what player number has been assigned to the player using the local video game 12. Therefore, a modem 112 is also able to send the command signals to the remote video game 30 using the format corresponding to the correct player number.

A resistor R5 is connected in series between 5 volts a diode D2. The diode D2 is also connected to the microprocessor 140. In the same manner, a sixth resistor R6 is connected in series between 5 Volts and a third diode D3, which is also connected to the microprocessor 140. A transistor Q1 is powered by the 5 Volts, through a resistor R7, and the gate of the transistor Q1 is connected to a resistor R8. The gate of the transistor Q1 is connected to the orange terminal 146 of port A. The line 156 receives information from the player controls 20. A resistor R3 is connected between the line 156 and 5 Volts. Lines 158, 160 are also connected to the player controls 20, wherein the line 160 is connected to a clock or timing circuit in the player input controls 20.

The modem 112 has an oscillator Y2 connected in series between two pins of the modem 154. The oscillator Y2 oscillates at approximately 3.6 Mhz. Line 162 is connected to the modem 154 and is used to receive information from the microprocessor 140. A second line 164 is also connected to the microprocessor 140 and it transmits information from the modem 15 to the microprocessor 140. A diode D is connected between the modem 154 and a resistor R9. The resistor R9 is also connected to 5 Volts. The modem 154 is connected to a 12 Volt source. A resistor R10 is connected to an outgoing line 166 and to a capacitor C4. The opposite end of capacitor C4 is connected to ground. Resistors R11 and R12 are connected to a capacitor C5 which is also connected to ground. Another line 168 extends from the modem 154 to the voice over data circuit 134. Capacitor C6 and C7 are serially connected over lines 168 and 166, respectively, to couple the voice over data circuit 134 to the modem circuit 112.

The voice over data circuit 134 may be a full duplex voice over integrated circuit as is well known in the art. Alternatively, in FIG. 3, the voice over data circuit 134 includes a microprocessor 170. Two capacitors C8, C9 are connected between ground and a third oscillator Y3. The resulting oscillator Y3, C8, C9 oscillates at approximately 3.6 MHz. A capacitor C16 is connected between the ground and the voice over data microprocessor 170. Another capacitor C17 is also connected between ground and the voice over data microprocessor 170.

An amplifying circuit consisting of four operation amplifiers 172, 174, 176, 178, hereinafter op amps, are used to amplify the signal received from the telephone line 110. A capacitor C10 is connected between the voice over data microprocessor 170 and the output of the first op amp 172. A resistor R13 is connected between the output of the first op amp 172 and the inverting input of the first op amp 172. A resistor R14 is connected between the resistor R13 and the noninverting input of the first op amp 172 and the output of the op amp 174. A resistor R15 is connected between the noninverting input of the first op amp 172 and the output of the second op amp 174. The output of the second op amp 174 is connected to the inverting input of the second op amp 174. The noninverting input of the second op amp 174 is connected directly to the voice over data microprocessor 170. A capacitor C13 is connected over the voice over data microprocessor 170 in the output of the third op amp 176. A resistor 116 is connected between the output of the third op amp 176 and the inverting input of the third op amp 176. A resistor R17 is connected between the inverting input of the third op amp 176 and the output of the fourth op amp 178. A resistor R18 is connected between the noninverting input of the third op amp 176 and the output of the fourth op amp 178. The output of the fourth op amp 178 is also connected to the inverting input of the fourth op amp 178. The noninverting input of the fourth op amp 178 is connected to the voice over data microprocessor 170. Capacitor C11 and C12 are connected to a first inductor L1 for coupling the line to the telephone 180 to the amplifying circuit. Capacitors C14 and C15 are connected to a second inductor L2 which couples the amplifying circuit to the phone line 110.

In operation, the method for communicating command signals of the video game between a local video game 12 and a remotely located video game over a defined medium of communication include the steps of: receiving command signals from the player input controls 20; transferring the command signals to the local video game 12; converting the command signals to communication signals; and transmitting the communication signals to a remotely located video game. The method is characterized by delaying the transmission of the command signals to the local video game until the communication signals reach the remotely located video game. This insures the two video games 12, are coordinated because many games rely on the timing of the players when making their moves.

The method includes receiving communication signals representing command signals from the remotely located video game. These communication signals are converted back to communication signals and sent to the port designated for the remotely located player. The local video game 12 receives command signals into both ports and operates as if both players were playing locally.

The method further includes converting the command signals received by the player controls 20 into communication signals suitable for transmission in the communication medium. These communication signals are sent to the remote video game 30 where they are received, converted back into command signals, and transmitted to the same port that received the command signals in the local video game 12. In other words, the two remotely located players are playing two independent games wherein the command signals received and transmitted between the two remotely located games are mirror images of each other.

The method includes the steps filtering out the communication signals received from the communication medium from other signals. The other signals can be noise or voice signals. The voice signals are sent to the speaker 128 so the players can hear what the other player is saying, thus enhancing the competitive environment.

The method further includes the ability to pause the game being played upon the receipt of a pause signal representing another incoming call. The pause feature corresponds to the "Call Waiting" feature to which many phone users subscribe.

The invention has been described in an illustrative manner, and it is to be understood that the terminology which has been used is intended to be in the nature of words of description rather than of limitation.

Obviously, many modifications and variations of the present invention are possible in light of the above teachings. It is, therefore, to be understood that within the scope of the appended claims wherein reference numerals are merely for convenience and are not to be in any way limiting, the invention may be practiced otherwise than as specifically described.

What is claimed:

1. A video game communication assembly (100) for communicating command signals between a local video game (28) having at least two player ports (A, B), at least one set of player controls (20), and at least two operating modes, and at least one remote video game (30) through a medium (110) capable of transmitting a plurality of data signals and voice signals, said assembly (100) comprising:

control means (106) for controlling command signals received from a set of player controls (20) of the local video game (28) and for creating communication signals;

modem means (114) for bilaterally transmitting said communication signals between said control means (106) and at least one remote video game (30);

first port means (112) for bilaterally transmitting said communication signals between said control means (106) and said modem means (114), said assembly (100) characterized by

said control means (106) including transit time means (126) for determining the amount of time required for said communication signals to travel between said first port means (112) and the remote video game (30).

2. An assembly (100) as set forth in claim 1 further characterized by voice over data means (134) for simultaneously receiving voice signals and said communication signals and for transmitting said communication signals to said modem means (114).

3. An assembly (100) as set forth in either of claims 1 or 2 further characterized by pausing means (138) for automatically pausing the transmission of both the command signals and said communication signals upon receipt of a pause signal.

4. An assembly (100) as set forth in claim 3 further characterized by said control means (106) further including operating means (143) for creating operating signals to change the operating mode of the local video game (28).

5. An assembly (100) as set forth in claim 4 further characterized by said control means (106) including second port means (107) for receiving the command signals from the set of player controls (20).

6. An assembly (100) as set forth in claim 5 further characterized by said modem means (114) including a modem (154) for bilaterally receiving and transmitting said communication signals.

7. An assembly (100) as set forth in claim 6 further characterized by converting means (116) for converting the command signals received by said second port means (107) into said communication signals in serial data form and for converting said communication signals received by said modem means (114) into command signals in parallel data form to be used by the local video game (28).

8. An assembly (100) as set forth in claim 7 further characterized by said control means (106) further including first shift register means (108) for receiving the command signals from said second port means (107) and for transmitting the command signals to the port A of the local video game (12).

9. An assembly (100) as set forth in claim 8 further characterized by said control means (106) further including second shift register means (124) for receiving said communication signals transmitted by said converting means (116) in parallel form and for transforming said communication signals into the command signals.

10. An assembly (100) as set forth in claim 9 further characterized by said voice over data means (134) including first filtering means (136) for filtering the voice signals from said communication signals.

11. An assembly (100) as set forth in claim 10 further characterized by said first filtering means (136) including narrow band notch filters to filter said communication signals from of the voice signals.

12. An assembly (100) as set forth in claim 11 further characterized by microphone means (128) for transforming acoustical vibrations into the voice signals.

13. An assembly (100) as set forth in claim 12 further characterized by speaker means (128) for transforming the voice signals into acoustical vibrations.

14. An assembly (100) as set forth in claim 13 further characterized by said control means (106) including second filtering means (132) for filtering said communication signals from the voice signals.

15. A video game communication assembly (100) for communicating command signals between a local video game (12) having at least two player ports (A, B), one set of player controls (20), and a microprocessor (12), and at least one remote video game (30) in a medium capable of transmitting plurality of data signals and voice signals, said assembly (100) comprising:

control means (106) for receiving command signals from a set of player controls (20) from a local video game and for creating communication signals from the command signals;

modem means (114) for bilaterally transmitting said communication signals between said control means (106) and at least one remote video game (30);

first port means (112) for bilaterally transmitting said communication signals between said control means (106) and said modem means (114), said assembly (100) characterized by

voice over data means (134) for simultaneously receiving voice signals and said communication signals and for transmitting said communication signals to said modem means (114).

16. An assembly (100) as set forth in claim 15 further characterized by said voice over data means (134) including first filtering means (136) for filtering the voice signals from said communication signals.

17. An assembly (100) as set forth in claim 16 further characterized by said first filtering means (136) including narrow band notch filters to filter said communication signals from the voice signals.

18. An assembly (100) as set forth in claim 17 further characterized by pausing means (138) for automatically pausing the transmission of both the command signals and said communication signals upon receipt of a pause signal.

19. An assembly (100) as set forth in claim 18 further characterized by said control means (106) including second port means (107) for receiving the command signals from the one set of player controls (20).

20. An assembly (100) as set forth in claim 19 further characterized by first shift register means (108) for processing the command signals received from said second port means (107) into said communication signals and for parallelly transferring the command signals to a port (A) in the local video game (12).

21. An assembly (100) as set forth in claim 20 further characterized by said modem means (114) including a modem (154) for bilaterally receiving and transmitting said communication signals.

22. An assembly (100) as set forth in claim 21 further characterized by converting means (116) for converting the command signals received by said second port means (107) into said communication signals in serial data form and for converting said communication signals received by said modem means (114) into command signals in parallel data form to be used by the local video game (28).

23. An assembly (100) as set forth in claim 22 further characterized by said control means (106) further including second shift register means (124) for receiving said communication signals transmitted by said converting means in parallel form and sending said communication signals to a second port (B) of the local video game (12).

24. An assembly (100) as set forth in claim 23 further characterized by said control means (106) including microphone means (128) for transforming acoustical vibrations into the voice signals.

25. An assembly (100) as set forth in claim 24 further characterized by said control means (106) further including speaker means (128) for transforming the voice signals into acoustical vibrations.

26. An assembly (100) as set forth in claim 25 further characterized by said control means (106) further including second filtering means (132) for filtering said communication signals from the voice signals.

27. An assembly (100) as set forth in claim 26 further characterized by said pausing means (138) including receiving means for receiving the pause signal.

28. A video game communication assembly (100) for communicating command signals between a local video game having at least two player ports (A, B) and one set of player controls (20), and at least one remote video game (30) having two player ports in a medium capable of transmitting plurality of data signals and voice signals, said assembly (100) comprising:

control means (106) for controlling command signals received from the local video game and for creating communication signals;

modem means (114) for bilaterally transmitting said communication signals between said control means (106) and at least one remote video game (30);

first port means (112) for bilaterally transmitting said communication signals between said control means (106) and said modem means (114), said assembly (100) characterized by

pausing means (138) for automatically pausing the transmission of both the command signals and said communication signals upon receipt of a pause signal.

29. An assembly (100) as set forth in claim 28 further characterized by said control means (106) including second port means (107) for receiving the command signals from the local video game (12).

30. An assembly (100) as set forth in claim 29 further characterized by converting means (116) for converting the command signals received by said second port means (107) into said communication signals in serial data form and for converting said communication signals received by said modem means (114) into command signals in parallel data form to be used by the local video game (28).

31. An assembly (100) as set forth in claim 30 further characterized by said modem means (114) including a modem (154) for bilaterally receiving and transmitting said communication signals.

32. An assembly (100) as set forth in claim 31 further characterized by said control means (106) further including second shift register means (124) for receiving said communication signals transmitted by said converting means in parallel form and sending said communication signals to a second port (B) of the local video game (12).

33. An assembly (100) as set forth in claim 32 further characterized by said control means (106) including microphone means (128) for transforming acoustical vibrations into the voice signals.

34. An assembly (100) as set forth in claim 33 further characterized by said control means (106) further including speaker means for transforming the voice signals into acoustical vibrations.

35. An assembly (100) as set forth in claim 34 further characterized by said control means (106) including second filtering means for filtering said communication signals from the voice signals.

36. A video game communication assembly (100) for communicating command signals between a local video game (12) and at least one remote video game (30) having two player ports (A, B) in a medium capable of transmitting plurality of data signals and voice signals, said assembly (100) comprising:

local video game means including at least two player ports (A, B), at least one set of player controls (20) for orchestrating a video game;

control means (106) for controlling command signals received from said set of player controls (20) and for creating communication signals from the command signals;

modem means (114) for bilaterally transmitting said communication signals between said control means (106) and at least one remote video game (30);

first port means (112) for bilaterally transmitting said communication signals between said control means (106) and said modem means (114), said assembly (100) characterized by

said control means (106) including transit time means (126) for determining the amount of time required for said communication signals to travel between said first port means (112) and at least one of said remote video games (30).

37. An assembly (100) as set forth in claim 36 further characterized by voice over data means (134) for simultaneously transmitting voice signals and said communication signals to said communicating means.

38. An assembly (100) as set forth in either of claims 36 or 37 further characterized by pausing means (138) for automatically pausing the transmission of both the command signals and said communication signals upon receipt of a pause signal.

39. A video game communications circuit for communicating command signals between a local video game having at least two player ports (A, B), at least one set of player controls (20), and at least one remote video game (30) in a medium capable of transmitting plurality of data signals and voice signals, said circuit comprising:

a first microprocessor (140) electrically connected to one set of player controls (20), two player ports (A, B) and an oscillating circuit (Y1, C2, C3, R2);

two player port logic circuits (108, 124) electrically connected between said first microprocessor (140) and the two player ports (A, B);

a switch (150) connected to said first microprocessor (140) having at least two positions;

a modem circuit (114) electrically connected to said first microprocessor (140) for bilaterally transmitting communication signals to and from said first microprocessor (140);

a voice over data circuit (134) for filtering voice signals from communication signals and for transmitting both to said modem circuit (114); and

communication couplers (L1, L2) for connecting said voice over data circuit (134) to the medium of communication.

40. A method for communicating command signals of a video game between a local video game (12) having player controls (20) and two ports (A, B) and a remotely located video game (30) over a defined medium of communication, the method comprising the steps of:

receiving command signals from the player controls (20);

transferring the command signals to the local video game (12);

converting the command signals to communication signals;

transmitting the communication signals to a remotely located video game (30), the method characterized by

delaying the transmission of the command signals to the local video game until the communication signals reach the remotely located video game (30).

41. A method as set forth in claim 40 further characterized by receiving communication signals representing command signals from the remotely located video game (30).

42. A method as set forth in claim 41 further characterized by converting the communication signals received into command signals.

43. A method as set forth in claim 42 further characterized by converting the command signals received by the player input (20) into communication signals suitable for transmission in the communication medium.

44. A method as set forth in claim 43 further characterized by filtering out the communication signals received from the communication medium from other signals.

45. A method as set forth in claim 44 further characterized by pausing the transmission of communication and command signals upon receiving a pause signal.

* * * * *

ORIGINAL

JS 44 11/99 **CIVIL COVER SHEET** COUNTY IN WHICH THIS ACTION AROSE: Oakland

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS

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Jeffrey Tenenbaum
Harold Milton, Jr.

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(C) Attorney's (Firm Name, Address, and Telephone Number)

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DEFENDANTS

Microsoft Corporation
Sony Computer Entertainment America, Inc.

County of Residence of First Listed **King County**

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Case: 2:08-cv-10331
Judge: Borman, Paul D
Referral MJ: Whalen, R. Steven
Filed: 01-23-2008 At 12:17 PM
HOCHSTEIN V MICROSOFT CORP (LMW)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- [X] 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item 111)

III. CITIZENS (For Diversity

	PLA	DEF		PLA	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another	☐ 2	☐ 2	Incorporated and Principal of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment and Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault Libel And Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury-Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21: 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- [X] 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS-Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced & Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

830

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- [X] 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multi district Litigation
- ☐ 7 Appeal to District Judge from Magistrate

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Patent infringement under United States Code, Title 35, § 271

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 $DEMAND

CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE **Borman** DOCKET NUMBER **04-73071**

DATE **January 23, 2008** SIGNATURE OF ATTORNEY OF RECORD **John S. Le Roy**

PURSUANT TO LOCAL RULE 3.1

1. Is this a case that has been previously discontinued or dismissed? ☐ YES ☒ NO

   If yes, give the following information:

   Court: ____________________

   Case No.: ____________________

   Judge: ____________________

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.) ☒ YES ☐ NO

   If yes, give the following information:

   Court: Eastern District of Michigan

   Case No.: 04-73071

   Judge: Borman

Notes: